

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

LASHAUN CASEY,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-154
(GROH)**

**HAZELTON U.S.P. MAIL ROOM,
LUKE CUSTER, Supervisory
Correctional Officer Hazelton USP,
WILLIAM ODOM, Retired Associate
Warden Hazelton USP, and TERRY
O'BRIEN, Retired Warden, Hazelton USP,**

Defendants.

**MEMORANDUM OPINION AND ORDER
ADOPTING REPORT AND RECOMMENDATION**

The above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble. ECF No. 54. Pursuant to Rule 2 of the Local Rules of Prisoner Litigation Procedure, this action was referred to Magistrate Judge Trumble for submission of a proposed report and recommendation ("R&R"). On October 3, 2017, Magistrate Judge Trumble filed an R&R in which he recommended that this Court dismiss the Plaintiff's complaint for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(a)(b).

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Moreover, “[w]hen a party does make objections, but these objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge, de novo review is unnecessary.” Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009) (citing Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)). Failure to file timely objections also constitutes a waiver of *de novo* review and the Plaintiff’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1)(C); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Here, objections to Magistrate Judge Trumble’s R&R were due within fourteen days after the Plaintiff was served, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure. The Plaintiff was served with the R&R on October 6, 2017. Accordingly, objections were due no later than October 25, 2017, after accounting for delivery time. No objections have been filed to date. Thus, the Court will undertake a *de novo* review of Magistrate Judge Trumble’s findings.

Upon careful review of the record, it is the opinion of this Court that Magistrate Judge Trumble’s Report and Recommendation should be, and is, hereby **ADOPTED** for the reasons more fully stated therein. Accordingly, the Plaintiff’s complaint [ECF No. 1] is **DISMISSED WITH PREJUDICE** and **STRICKEN** from the active docket of this Court. The Defendant’s Motion to Dismiss for Failure to State a Claim [ECF No. 43] is **GRANTED**.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record

and to mail a copy to the *pro se* Petitioner by certified mail, return receipt requested, to the last known address as shown on the docket sheet.

It is so **ORDERED**.

DATED: November 1, 2017



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE